

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SLOSS INDUSTRIES CORPORATION, }
 }
Plaintiff, }
 } CIVIL ACTION NO.
v. } 05-AR-0459-S
 }
EURISOL, et al., }
 }
Defendants. }
 }

MEMORANDUM OPINION

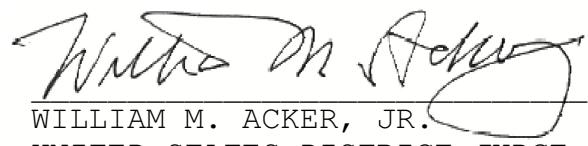
The Eleventh Circuit has instructed this court to rule upon the post-judgment motion filed by defendants pursuant to Rule 59, F.R.Civ.P. after defendants' first notice of appeal had been filed.

Upon consideration of defendants' motion, the court now agrees with defendant, Jean Claude Ferrarin, that he could not have been found individually liable for the failure of defendant, Eurisol (the only contracting party), to pay for goods that Eurisol had ordered from plaintiff, Sloss Industries Corporation. There was no contract with Ferrarin proven and no viable alternative theory. The fact that Ferrarin allowed a default to be entered against him did not preclude his right to seek post-judgment relief when there was no actual or theoretical basis upon which he could have been found personally liable.

Eurisol has presented nothing upon which the judgment against it should be set aside.

An appropriate separate order will be entered.

DONE this 7th day of February, 2006.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE